

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Michael Smith

Date of Previous Judgment: April 8, 2004

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 03-80922-3

) USM No: 32039-039

) Todd R. Perkins

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 78 months is reduced to 63 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 27

Amended Offense Level: 25

Criminal History Category: II

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Previous Guideline Range: 78 to 97 months

Amended Guideline Range: 63 to 78 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 8, 2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: September 30, 2008

s/John Corbett O'Meara
Judge's signature

Effective Date: _____
(if different from order date)

John Corbett O'Meara, U.S. District Judge
Printed name and title